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C O N F I D E N T I A L SECTION 01 OF 04 KATHMANDU 000395

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TAGS: [PGOV](#) [PTER](#) [KDEM](#) [NP](#)

SUBJECT: NEPAL: CONSTITUENT ASSEMBLY ELECTION TWO DAYS AWAY

REF: A. KATHMANDU 374

[1](#)B. KATHMANDU 390

Classified By: Ambassador Nancy J. Powell. Reasons 1.4 (b/d).

Summary

[1](#)1. (SBU) With Nepal's Constituent Assembly election only two days away, formal campaigning has ceased, but the parties are continuing to jockey for position, and isolated clashes continue. On April 4, the Election Commission released the final, slightly smaller, lists of proportional representation candidates and drew the parties' attention to the electoral Code of Conduct. At present, the Election Commission anticipates holding the election in all constituencies on April 10. Electoral abuses are likely on election day, according to experts. There is widespread evidence that the Maoists are continuing their efforts to intimidate Nepali voters into voting for them or not voting at all. Meanwhile, the Terai, which seemed to have been settling down, is experiencing a new wave of upheaval. In its third and final, pre-electoral report, the UN Mission in Nepal called on April 6 on the parties to recommit themselves to the integrity of the election, urged the Maoists and their Young Communist League to end their abuses and to abide by the election outcome, and emphasized the importance of the governing parties working together after the election as well as reaching out to the "wider political forces."

Campaigning Ended At Midnight

[1](#)2. (SBU) Under Nepal's Election Code of Conduct, parties were required to end their formal campaigning for the April 10 Constituent Assembly election at midnight (local time) on April 7. According to press reporting on April 8, parties appear to have largely complied. The two-day "cooling-off period" before the election is standard practice, according to local Embassy staff. Nevertheless, while formal campaign events are not likely to be held, at least not in large numbers or in daylight hours, some events will still occur. The Code of Conduct does not prohibit parties from calling (or SMSing) voters and/or visiting their homes. Post is also

still hearing isolated press and police reports of inter-party clashes on April 8, including in two districts in Nepal's central region, where Kathmandu is located.

EC Releases PR List, Takes Steps To Enforce Code of Conduct

13. (U) On April 4, the Election Commission (EC) released the final proportional representation (PR) candidate lists, from which it had removed 299 names. The PR race now has 5,701 candidates for 335 seats, compared to 3,974 first-past-the-post candidates for 240 seats. (Note: The Cabinet will appoint the remaining 26 seats in the 601-member Assembly. End Note.) The disqualified included 67 candidates under the age of 25, 184 who did not present proof of citizenship, 27 names listed under more than one party, and eight candidates dropped on the basis of complaints lodged against them. Additionally, at a press briefing on April 6, EC spokesperson Laxman Bhattarai said the EC has sought clarification from district election offices on eight incidents involving alleged violations of the Code of Conduct. They included Maoist misbehavior against the Nepali Congress in Gorkha and Dadeladhura districts and Maoist beatings and abductions of Communist Party of Nepal - United Marxist Leninist (UML) cadres in Jajarkot, Bara, and Palpa districts. Bhattarai also announced that the EC has directed the UML to stop using children in election campaigning. In addition on April 6, the EC directed the state-owned (and Maoist-run) Radio Nepal to quit broadcasting a political commentary program that violated the Election Code.

April 10 Is Election Day for All Constituencies

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14. (SBU) The Election Commission announced it was reversing its earlier decision to hold polling in Bhojpur-2 on April 17 to allow the Rastriya Prajatantra Party (RPP) a chance to replace its candidate who died of natural causes. This came after the RPP declined to name another candidate. With this announcement, it appeared as of April 8 that voting would take place in all 240 constituencies on April 10. So-called "Returning Officers" -- legal officials, often judges, appointed as election "czars" in each constituency -- have the authority to schedule a second election date for constituencies that need to repoll because of vote rigging or other electoral violations. Post has heard conflicting information regarding how soon such repolling will take place, but some returning officers hope to hold the re-votes within two days. Others anticipate needing a week.

Electoral Abuses Likely on Election Day

15. (C) On April 4, IFES country director Peter Erben described to the Ambassador how in a trial run of a polling station he observed voters standing in line with paper identifying their party affiliation. Erben said that the practice in Nepal was for party agents outside of the station to check off a voter's name and then give him or her a chit with the party symbol on it. Erben expressed concern that thugs from competing parties might then try to prevent the person from voting. Dominic Cardy, country director of the National Democratic Institute (NDI), on April 4 speculated that Maoists could take over the polling agent credentials of party cadres they had run out of districts. Returning officers were responsible for issuing the credentials but would not necessarily confirm them on election day. Separately, contacts of NDI reported that the Maoists have spread rumors that polling booths will have cameras installed to make sure voters stamp their ballots for them.

Maoists Continue Intimidating Voters

16. (C) In the week since April 1, Embassy contacts and the Nepali press continued to report widespread incidents of electoral violence, usually involving the Maoists. Embassy sources confided that particularly in rural areas in the hills and to a lesser extent in Terai, the Maoists were threatening to harm voters if they did not vote for them. The same sources spoke of Maoist plans to send their voters to cast their ballots early on election day and then prevent other parties' supporters from casting their votes. While Chief Election Commissioner Bhoj Raj Pokhrel urged the Ambassador April 4 not to give excessive weight to what he referred to as isolated incidents, most observers saw little evidence of a slackening of the level of violence, even in the wake of an April 1 10-point recommitment to a peaceful campaign by Prime Minister Koirala (Nepali Congress), UML General Secretary M.K. Nepal and Maoist chief Pushpa Dahal (aka Prachanda). At an election rally on April 2, Prachanda repeated his claim that Maoist victory was certain and that a Maoist defeat at the polls would be attributable to a conspiracy by various forces, including India and the United States, and the international observers. After considerable public criticism and indirect, private interventions by the Ambassador and others, the Maoist leader issued a retraction April 6. But the same day, Maoist deputy chief Baburam Bhattarai threatened to unleash massive protests within 10 minutes if the Maoists were denied their rightful victory.

Maoists May Win Over Undecided Female Voters

17. (C) A Nepalese businesswoman told Emboff on April 2 that the only candidate that had come to the door of her home to campaign was a Maoist, Pampha Bhusal. The businesswoman, noting that Bhusal -- who is Minister of Women, Children and Social Welfare -- was also the only female candidate in her constituency (Lalitpur-3), lamented that the decision to vote

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for the Maoists or for another party would be a difficult one. She assured Emboff that she would vote for the party most in line with her political views, but other women may choose to vote for female candidates regardless of party. The Maoists are the only party to field a significant number of women in first-past-the-post constituencies -- 21 percent of Maoist FPTP candidates are women, compared to 12 percent for the NC and UML and lower for the other major parties.

Turmoil in the Terai

18. (C) NDI Director Cardy declared April 4 that the Terai appeared to be ramping up for a return to a Madhesi uprising. Multiple bombings across the Terai in the preceding week -- along with telephone-based intimidation and extortion of businesses -- had prompted increased worries the Terai could be shut down, Cardy said. The program manager from USAID's Office of Transition Initiatives (OTI) agreed, reporting that OTI contractors in the Terai had observed that armed Madhesi groups, although each weak on their own, were reinforcing each other and gaining momentum through "bandhs" (strikes) and other intimidation. Cardy suggested the Madhesi political parties had lost whatever effectiveness they once had. He said Mahanta Thakur's Terai Madhesh Democratic Party was surprisingly chaotic. He also noted that Upendra Yadav's Madhesi People's Rights Forum was well-organized but losing popularity because of its alleged ties to Indian gangs. When asked recently by OTI's contractor if he was willing to record a public service announcement urging non-violence after the election, Yadav declined, responding that he needed to be prepared for (unspecified) "bold action," depending on the election outcome. In contrast, Carter Center Field Director Darren Nance and the Chief Election Commissioner indicated that the situation in the Terai had improved.

UNMIN Report Commends Peaceful Restraint, Condemns Violations

¶9. (U) On April 6, the UN Mission in Nepal (UNMIN), in conjunction with the Office of the High Commissioner for Human Rights, issued its third and final pre-election report which highlighted the positive developments, including the refusal by Muslims in Biratnagar to engage in communal violence in the wake of the bombing of a mosque on March 29 (Ref A). Nevertheless, the ongoing violence -- including a considerable increase in the detonation of improvised explosive devices, among other places in Kathmandu (Ref B)-- took center stage. UNMIN condemned these attacks, as well as clashes between political parties for which the Young Communist League and other Maoist cadres were disproportionately responsible. UNMIN also criticized inconsistent law enforcement that risked encouraging an atmosphere where all actors feel they can behave with impunity. In the report, UNMIN announced that arms monitors have intensified monitoring of Maoists in the cantonments in addition to 50 new deployment sites where the Nepal Army is currently providing security. It concluded with a series of recommendations. They included: calling on the parties to recommit themselves to the integrity of the election, urging the Maoists and their Young Communist League to end their abuses and to abide by the election outcome, and emphasizing the importance of the governing parties working together after the election as well as reaching out to the "wider political forces."

Unwarranted Optimism for Road Ahead

¶10. (C) Dominic Cardy told the Ambassador on April 4 that the political parties, especially the Nepali Congress, had "a lot of misplaced confidence" that they could proceed with business as usual in their electoral practices (including the usual vote-buying and other NC electoral abuses) in the face of mounting violence and violations to the Election Code of Conduct. The NDI Director mocked the NC's ostensible belief that the party's young activists -- mainly high school

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graduates and university students -- could successfully fight Maoist cadres who had received paramilitary training. Addressing post-election preparation, Cardy said that a Central Committee member from the UML had told him about his party's desire to put forth immediately a position package regarding the distribution the cabinet seats and other issues the political parties would have to decide. Few other politicians, however, had demonstrated awareness of post-election issues.

Comment

¶11. (C) Despite the widely-lauded "recommitment to peace" the three major parties proclaimed on April 1, we have seen almost no decrease in partisan violence. April 10 is going to come, but the Nepali people will be holding their breath to see what sort of election will take place on that day and, perhaps even more importantly, what the situation will be like in the days that follow.

POWELL